

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DONNA CLARK,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.
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TOWNES, United States District Judge:

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

13-CV-0981 (SLT)(JO)

On February 22, 2013, plaintiff Donna Clarke (“Plaintiff”) commenced this action against the Commissioner of Social Security (the “Commissioner”), appealing the Commissioner’s final decision denying Plaintiff disability and supplemental security income benefits. (Doc. 1.) The Commissioner moved for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). (ECF No. 14.) Plaintiff did not file a brief in opposition or a cross motion. The Court referred the motion to Magistrate Judge James Orenstein for a Report and Recommendation (“R&R”), which he issued on June 17, 2016. (ECF No. 20.) The R&R recommends that the Commissioner’s motion be denied and that the case be remanded for further administrative proceedings. (*Id.* at 1, 34.) The R&R specifically advised that “failure to file objections [to the R&R by July 5, 2016] waives the right to appeal the District Court’s order.” (*Id.* at 34.) The date to file objections has long passed without any activity on the docket except the Commissioner’s filing of a certificate of service on June 17, 2016. (ECF No. 21).

A district court is not required to review the factual or legal conclusions of a magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Nonetheless, when no objections are filed, many

courts seek to satisfy themselves “that there is no clear error on the face of the record.” Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007). Accordingly, this Court has reviewed the R&R for clear error on the face of the record. The Court finds no clear error and therefore adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons stated above, Magistrate Judge Orenstein’s Report and Recommendation dated June 17, 2016 is adopted in its entirety. (Doc. 20.) The Commissioner’s motion for judgment on the pleadings (Doc. 14) is hereby **DENIED** and the case is **REMANDED** under sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the R&R. The Clerk of the Court is respectfully directed to enter judgment for the Plaintiff and close this case.

SO ORDERED.

s/SLT

SANDRA L. TOWNES
United States District Judge

Dated: September 26, 2016
Brooklyn, New York